

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

-----X		
STEVEN AMERIO and ANDREW	:	
GOLDBERG, Individually and as Co-Lead	:	Civil Case. No. 5:15 CV-00538
Plaintiffs on behalf of all others similarly situated,	:	(DNH/TWD)
as a class,	:	
	:	Jury Trial Demanded
Plaintiffs,	:	
v.	:	
	:	
GREGORY W. GRAY, JR.; GREGORY P.	:	
EDWARDS; ARCHIPEL CAPITAL LLC; BIM	:	
MANAGEMENT LP; BENNINGTON	:	
INVESTMENT MANAGEMENT, INC.; and	:	
against all in a representative and fiduciary	:	STIPULATION OF DISMISSAL
capacity as acting GENERAL PARTNERS and	:	OF COUNTS II, III, VII, VIII,
CONTROL MEMBERS of BENNINGTON-	:	IX, X, XI & XII OF THE
EVERLOOP LP.; ARCHIPEL CAPITAL-	:	SECOND AMENDED
AGRIVIDA LLC; ARCHIPEL CAPITAL-	:	COMPLAINT AGAINST
BLOOM ENERGY LP; ARCHIPEL CAPITAL-	:	DEFENDANT GREGORY W.
LATE STAGE FUND LP; ARCHIPEL	:	GRAY, JR.
CAPITAL-LINEAGEN LP; ARCHIPEL	:	
CAPITAL-SOCIAL MEDIA FUND LP, (1, 2, 3	:	
& 4), and against each said funds Individually as	:	
Limited Partnership Enterprises and as Attorneys	:	
and Publishers of all Private Placement	:	
Memorandums in connection with each/any/or all	:	
of the above entities; and Jane Does and Mary	:	
Roes (#1-10),	:	
Defendants.	:	
-----X		

Plaintiffs, Steven Amerio and Andrew Goldberg, by their undersigned counsel and pursuant to this Court's Memorandum-Decision and Order dated July 21, 2020, *see* Docket No. 282 at 38-39, reported as *Amerio v. Gray*, 2020 WL 4192618, at *20-21 (N.D.N.Y. July 21, 2020), hereby stipulate to the dismissal of Counts II, III, VII, VIII, IX, X, XI and XII of their Second Amended Class Action Complaint against Defendant, Gregory W. Gray, Jr.

DATED: August 6, 2020

Respectfully submitted,

WILENTZ, GOLDMAN & SPITZER, P.A.

By: /s/ Kevin P. Roddy
Kevin P. Roddy, Esq.
Bar Roll No. 520400
90 Woodbridge Center Drive, Suite 900
Woodbridge, NJ 07095
Telephone: (732) 636-8000

CHERUNDOLO LAW FIRM, PLLC

By: /s/ John C. Cherundolo
John C. Cherundolo, Esq.
Bar Roll No. 101339
AXA Tower I, 15th Floor
100 Madison Street
Syracuse, NY 13202
Telephone: (315) 449-9500

Counsel for Plaintiffs

SO ORDERED. Dated:

August 11, 2020


David N. Hurd
U.S. District Judge